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9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 UNITED STATES OF AMERICA,)
15)
16 Plaintiff,)
17)
18 v.)
19)
20 SUSAN JOAN TOBIN,)
Defendant.)
21

Criminal No. CR 05 00448 MAG

**STIPULATION AND ~~[PROPOSED]~~
ORDER MODIFYING SENTENCING
CONDITIONS**

22 The above-captioned matter came before the Court on July 21, 2005 for initial
23 appearance on the complaint, change of plea, and summary sentencing. The defendant was
24 represented by Michael Carroll and the government was represented by Jeffrey Finigan, Assistant
25 United States Attorney. The defendant was sentenced to a term of probation without specifying
26 whether the probation was to be supervised or unsupervised. The parties intended to request
27 unsupervised probation and have since notified the Probation Department of this error at
28 sentencing. However, since the Probation Department is bound by the terms of the Judgment and

**STIPULATION AND [PROPOSED]
ORDER MODIFYING SENTENCING CONDITIONS
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1 Commitment, which does not define the probationary period with respect to supervision, it is
2 assumed probation is supervised. Accordingly, and in order to make the sentence in this case
3 consistent with the sentence received by all of the similarly situated defendants in these pilot-
4 related cases, the parties stipulate and respectfully request that the Court issue an Order
5 modifying the defendant's conditions of probation so that her probation is not supervised.

6
7
8 DATED: 11/9/05

/s/
MICHAEL CARROLL
Counsel for Susan Joan Tobin

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10
11 DATED: 11/9/05

/s/
JEFFREY FINIGAN
Assistant U.S. Attorney

12
13
14 So ordered.

15 DATED: 11/15/05


NANDOR J. VADAS
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of the office of the United States Attorney, Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned certifies that she caused copies of

STIPULATION AND [PROPOSED] ORDER MODIFYING SENTENCING CONDITIONS

in the case of **UNITED STATES v. SUSAN JOAN TOBIN, CR 05-00448 MAG** to be served on the parties in this action, by placing a true copy thereof in a sealed envelope, addressed as follows which is the last known address:

**Michael Carroll, Esq.
300 Montgomery Street, Suite 415
San Francisco, CA 94104
Fax No: 415-421-7379**

____ (By Personal Service), I caused such envelope to be delivered by hand to the person or offices of each addressee(s) above.

X (By Facsimile), I caused each such document to be sent by Facsimile to the person or offices of each addressee(s) above.

____ (By Mail), I caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at San Francisco, California.

____ (By Fed Ex), I caused each such envelope to be delivered by FED EX to the address listed above.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: November 9, 2005

/s/
RAWATY YIM
United States Attorney's Office